

Minutes

Amherst Charter Commission meeting of February 2, 2017

Members present: Andy Churchill, Tom Fricke, Meg Gage, Nick Grabbe, Mandi Jo Hanneke, Irv Rhodes (by remote audio), Julia Rueschemeyer, Diana Stein, Gerry Weiss (arrived 7:19pm).
Members Absent: None. In attendance: Irma Gonzalez, Larry Kelly, Ted Parker, Alice Swift

AGENDA:

1. Call to order, approve agenda, approve minutes (5 minutes)
2. Responding to public comment (5 minutes)
3. Outreach planning – February-March sessions, other plans (20 minutes)
4. Working groups formation (10 minutes)
5. Calendar planning – timeline and schedule upcoming meetings (15 minutes)
6. Discuss mayor vs. manager executive branch (55 minutes)
7. Public comment (10 minutes)
8. Topics not reasonably anticipated by the Chair 48 hours prior to the meeting
9. Adjourn

The meeting was called to order at 7:17 pm in the Police Station Community Room. Churchill stated that Rhodes was participating remotely due to reason of geographic distance. Stein requested a word duplication be removed in previous meeting's minutes. The minutes were then approved.

Churchill: At the end of a long meeting, should members respond to public comment? Open to suggestions.

Weiss: It should depend on how late it is.

Rueschemeyer: Should we put public comment earlier in the night? People get frustrated when contributing without getting responses. Agrees with Weiss that later time makes it more difficult. Commissioners should keep responses brief.

Gage: It is appropriate to provide information in regard to a specific question, but a statement of value doesn't necessitate direct response.

Weiss: Agrees about responding to request for information but not to opinion.

Gage: Is there any reason not to consistently hold public comment earlier?

Churchill: Depends on the agenda. Some boards have public comment earlier. Can take us on a tangent.

Rueschemeyer: Should we put administration at end of meeting? Move substance earlier in meeting?

Hanneke: Putting public comment at middle of meeting is better.

Churchill: Appreciates input and agrees. In future, substance and comment earlier.

Weiss: We can open public comment now for the current audience.

PUBLIC COMMENT

Alice Swift: It would be helpful to hear the ensuing discussion. Feels very strongly that Amherst should have a town manager. A mayor brings money and campaigning. Cites the Cambridge Council Chair which acts as a mayor. Thinks the idea of having a voice of Amherst is important but can be accomplished without a mayor.

Larry Kelly: Likes the model that Select Board uses, where Public Comment occurs when meeting starts. Recommends the Commission excludes agenda-related comments until later in meeting. Cautions Commissioners about discussing government matters when at other public events. Churchill: Believes Commissioners have right to free speech. Kelly: Necessary to make distinction as to whether member is speaking as self or as Commissioner. Rueschemeyer: It could violate Open Meeting Law if multiple people independently discuss the same topic.

Irma Gonzalez: Didn't get chance to speak at last meeting, and is frustrated about "robust minority report." Expected "leadership" from intelligent group of 9 people. Doesn't want Commission's proposal to simply reflect divisions, instead wants a compromise. The TMCC is trying to reform Town Meeting and there is the possibility of "two credible choices," one from Charter Commission and one from TMCC.

OUTREACH PLANNING

Group discussed possible dates.

Churchill: The first round of listening sessions was open-ended. This round will have things for citizens to react to.

Rueschemeyer: Should we start with basics of the new form of government compared to the current form of government?

Gage: Believes open-ended meetings get open-ended responses. Seeks focused questions related to very specific points of discussion, but not nitty-gritty details. The manager vs. mayor topic lacks sufficient discussion, and dimensions of leadership need to be explored. Workshops should focus on particular topics on which Commission seeks community opinions.

Churchill: By the time we get to workshops the Commission will be focusing on language.

Grabbe: Are Listening Workshops to get feedback on the form of government the Commission has decided upon?

Churchill: Sees workshops as explaining to community “here are some of the things we’re talking about.” Doesn’t want to “re-litigate decisions we’ve made to date.”

Rueschemeyer: Barring a potential creative solution, the communication with community would include the minority report.

Grabbe: What exactly is the minority report?

Churchill: Doesn’t believe the Commission would be collecting input from community on multiple options.

Rueschemeyer: Believes the proposal will include minority report.

Grabbe: Members of the public can bring their own opinions, but the Commission shouldn’t present several options to them.

Hanneke: We should get a one-page sheet of what the proposal currently is. One-page sheet should have a breakdown of features such as participatory budgeting, mayor-council relationship, rank choice voting etc. with explanations for each feature. The workshops can be discussions with the public about this informative sheet. What would the public add, remove, alter? Envisions the sheet provided to the public being updated after each meeting.

Weiss: Agrees with previous comments. Believes community should know the Commission’s vote was 5-4 and that there is a forthcoming minority report.

Churchill: We should bring people up to date with results of votes. Much has been discussed thus far, with many unfamiliar ways of government operation. Should publicize work we’ve been doing.

Gage: Seeks to translate information provided to public from “boring bullet points” to “sharp questions” to improve quality of feedback. Commission should pay attention to what is controversial or difficult during listening workshops.

Hanneke: Commission should provide pros and cons of government features.

Churchill: Hopes that there will be some elements supported by all members.

Stein: Bullet points make information easier to consume. Seeks a draft of one-page info sheet to wordsmith outside of meetings.

Gage: The working group can focus on the draft.

Hanneke: The one-page sheet can come from Commission, while the working group can focus on questions to pose to citizens. Can work with Livingston on the publicizing end.

There is a consensus that Hanneke will draft the one-pager, and the discussion of this document will be placed on next week's agenda.

Churchill: Past Commission members finished their work and then it came as a surprise to the town. Wants to put column together for Amherst Bulletin explaining what we've been up to.

Gage: Make the column "news-y" to better attract attention. Grabbe: Include invitation to upcoming listening sessions. Churchill: Column can be "previewing the opportunities for input at this stage." Grabbe: It shouldn't be a column written by committee, the more people that work on writing something the less compelling it is to readers. Churchill will draft a column for review by the Commission.

WORKING GROUPS FORMATION

Churchill: Stepasiuk had recommended via email that the Commission takes a "divide and conquer" approach, form 3 working groups, which can meet separately, and conference call with Stepasiuk.

Fricke reads aloud print-out of the email to the Commission. "Finance and fiscal procedures" group will focus on budgetary concerns. "Administrative organization" group will focus on the organizational chart and propose decisions about new departments and consolidations. "Transition provisions" group will look at transition issues, such as timing, functions, and loose ends.

Stein: Believes it is premature to focus on transitions, but likes other two working group topics.

Fricke: Commission can compose working groups now, even if work doesn't start yet.

Rueschemeyer: All 3 topics seem premature, should wait to divide Commission until it becomes necessary.

Fricke: Forming working groups won't remove Commission as a whole from the process. Working groups with specific foci won't be "substitutes for Commission deliberation."

Gage: Agrees with Fricke. Now is right time.

Churchill: The next meeting will involve consultants. Group determined who is interested in each working group. Hanneke, Rhodes, and Stein – Finance; Churchill, Grabbe, and Rueschemeyer – Administration; Gage, Fricke, and Weiss – Transition provisions. Stepasiuk can now send materials to these working groups.

CALENDAR PLANNING

Hanneke: We currently have weekly meetings scheduled through the end of April. In regard to the contract with Collins Center, we have used 11 out of 18 meetings. Thus, Commission should maximize use of Collins Center through longer meetings. Longer meetings should also mean fewer meetings to prevent burnout. Commission generally wants to start at 5:30. The language-

drafting meetings need to be 4 hours. Anything the Collins Center comes to should be a long meeting.

Monday is bad for Stein. Weiss can't do Tuesdays ever. Rueschemeyer wants Wednesdays after 7. Fricke won't be here on February 22 but will be here on March 2. Having the School Committee meeting on March 8 is ideal so we will attempt for that date. Stein prefers Saturday mornings. Weiss and Fricke prefer Saturdays to Sundays. Fricke amenable to long Saturdays. Saturday meetings now shifted from 9am-3pm to 10am-3pm. Stein will do best to ensure she won't have conflict but some Saturdays, she will want to only work to 2 pm. Commission thanks Hanneke for calendar work and there is consensus she will send out revised calendar.

Gage: Wants to adjust date of 4th listening workshop because it is the morning after the third workshop. February 28th is the first listening workshop.

MAYOR VS MANAGER

Churchill: Collins Center sent a memo to all members of Commission. This document contains reviews of other municipalities. In previous discussions the council form was thoroughly debated. However, mayor vs manager preferences for the executive branch were not as certain. Unnecessary to resolve tonight but good to begin comparison.

Weiss: Has not personally tallied comments that come to Commission, but sees a pattern favoring a town manager.

Grabbe: Thinks that council-mayor is "tougher sell" to public than council-manager.

Rueschemeyer: If the council chooses manager, that isn't a voter-elected executive. It is not so much of a balance, because legislative and executive bodies are essentially merged, with the council supervising the manager.

Hanneke: Clarifies that the council provides executive powers in supervising the manager, while also exercising legislative role.

Churchill: The manager reports to the legislature?

Gage: Provides parallel of a board of directors and CEO. The board sets the framework that CEO can operate inside.

Hanneke: Has researched this topic. The council-manager system is modelled off board and CEO system.

Churchill: It is "very closely analogous" to school committee and superintendent relationship.

Stein: Says that Select Board unanimously favors town manager. Cites newspaper column by Andy Steinberg and letter by Bernie Kubiak, both supporting town manager.

Churchill: Has heard strong arguments from Stephanie O’Keeffe favoring mayor.

Rhodes: “Preponderance of feedback” received favors manager. Research executed by professor indicates town manager is superior, and Rhodes thus favors manager.

Rueschemeyer: Has overwhelmingly heard that people want mayor, and this opinion was an impetus for formation of Charter Commission. Mayor is accountable and “removable.”

Fricke: Has been hearing 50-50 opinion from public.

Hanneke: Has reviewed research publication which discovered voter turnout in city elections was affected by form of government. Lower voter turnout with manager-council than with mayor-council. Does the Commission want the political accountability of a mayor or the professionalism of a manager, and can we provide both?

Gage: Cares about mayor vs. manager issue perhaps more than town meeting issue. Strongly wants manager. Seeks to protect town from “capricious government.” Believes some positions should not be elected, and cites example of towns not electing teachers. Mayor and council are designed to be in opposition. The mayor has veto power and can represent an “angry group” that elected him/her. Churchill: The council could override a veto.

Gage: Amherst needs the ability to pay attention to long-term future. Amherst is in good financial shape with a high bond rating due to professionals “behind the scenes” doing “boring things” that don’t get people elected. Adds that Amherst is dealing with complex cultural issues, particularly because so many residents are temporary.

Churchill: Amherst has had many managers, some good some bad. It is a whole process to get rid of a bad manager, but a mayor is easier to remove. Agrees with Gage about need for long-term vision, but we’ve had a manager and we don’t have long-term vision now. Mayor, council, and neighborhood groups will give a better structure for communicating and for ratifying a long-term vision. Citizens vote for neighborhood representatives and mayor. Thus, neighborhood representatives and mayors are checks and balances. With a manager, neighborhoods vote for council only—why not for neighborhood representatives? and voters don’t have a say on top executive. With a mayor, if executive’s vision goes awry, the town doesn’t have to suffer for an extended period – they can vote him or her out.

Stein: Concerned about “lack of training” in citizen mayor. Requirements for town manager are strong, with respect to education and work experience. Experience is invaluable to town.

Rueschemeyer: Is bond rating related to mayor-manager? Data is insufficient and seeks further information.

Hanneke: Citizens have no control over manager. Necessary to “go through a couple layers” to remove manager. Hears Gage’s points about long-term vision for town. Cites example that new fire station has been requested for 40-50 years. A mayor runs on a platform like creating a fire

station and then is either successful or removed from office. A manager lacks similar incentive. Evidence may indicate council-manager has better financial results.

Grabbe: On fence but currently agrees with Gage and Stein. A manager provides “continuity” whereas the town can shift mayors. A weak mayor selected from within council is a concern. Questions as to whether Amherst voters ready to accept “consolidation of power” that mayor represents. Amherst is so small that candidates may not be both popular to voters and technically qualified. A mayor has to put career on pause for 4 years which narrows candidate pool. How do you get a clear voice with a manager system? How do you get professional management with a mayor?

Fricke: A council’s capacity to meet often can mean that ideas are more likely to be examined and acted upon.

Churchill: With a manager, our 13-member council would be expected to provide policy leadership. It is hard for them to agree on vision. On the other hand, if we had a mayor with someone like Sandy Pooler working as Finance Director we would have both political accountability and professional expertise. Finance team and department heads provide professional counsel to mayor as stated by Mayor Narkewicz. Only so much a group of people like a council can provide in terms of focused leadership. That’s how it would be with council and manager. Council would be well meaning citizens who would supervise an expert manager – all the power would be in the unelected manager’s hands due to his/her expertise and time on the job. We wouldn’t have elections to provide “competitions of ideas.” In response to Grabbe’s concern, believes enough people would step up to create competitive candidate pool. It could be seen as a higher calling, not putting their lives on hold.

Stein: Would have never had Sandy Pooler if not for Amherst’s town manager. The “reach” and connections a town manager would bring can hire good talent like Sandy Pooler.

Gage: What if the mayor gets elected on ideas but has no experience managing personnel? Articulate and appealing politician may not have experience regulating performance. That is the “quiet, unheralded work” of manager. Many mayoral candidates have not dealt with timeline and budget and goals.

Rueschemeyer: Many cities in America are run by mayors successfully. They aren’t “reigning over chaos.” Gage: Bigger towns can afford COOs. Rueschemeyer: Amherst can afford mayor and manager with current town manager salary. Gage and Grabbe are concerned about spending on new hires supplemental to mayor.

Rueschemeyer: A manager doesn’t take heat, is part of a big bureaucracy, and deflects responsibility. Would be difficult to lay out priorities for town manager. Executive and legislative bodies being separate as described by Churchill is important.

Rhodes: School Committee can work hand in hand with superintendent. Superintendent can do day-to-day work while goals and objectives are laid out by School Committee. The Committee acts as one, and so would council. Council has been misrepresented by Commission members as

13 uncooperative individuals. Council and manager can work together well. Unsure of how larger population would respond to mayor. We do have experience with manager. Council-manager is the better alternative.

Hanneke: Commends Rueschemeyer's point. Manager lacks authority to do anything with schools and library. Beneficial for town to have chief executive involved in these sub-budgets. Schools and library affect large portion of budget. Can put mayor on School Committee, which is one benefit of having mayor. Currently, executive branch has little influence on those parts of budget. Recognizes need for professional management. Is it possible to put professional management in Charter alongside mayor, but subordinated? There are models out there that give the mayor more power, with a professional management position below. But financial cost is downside. 2003 Commission's hybrid removed too much power from mayor.

Weiss: Larry Shaffer came from Vernon, CT, where the mayor supervises subordinate town administrator in a combined system.

Churchill: Municipal management position exists in towns under different names, like individual he spoke to from Ithaca who "translates mayor's vision into work of departments." Having a COO or chief of staff could be beneficial in running Amherst's "\$80 million enterprise."

Gage: Appreciates deliberative discussion. Mayor is becoming less common across country, while manager is becoming more popular. Churchill: Skeptical of this trend and asked Stepasiuk. Stepasiuk agreed manager trend has seemed to plateau. Rueschemeyer: Don't we have numbers? Hanneke: Research shows that cities flip flop. When seeking accountability, they vote mayor. When seeking expertise, they vote manager.

Grabbe: Research with college towns indicates mayors are more common than managers. Mayoral systems are most common form of government in Massachusetts towns over certain size. Arguments in favor of mayor include: authority and accountability invested in same person, "steward of big picture," mayors hold more clout with state officials, embody shared vision for town and prioritize large spending decisions.

Rueschemeyer: In looking at Collins Center chart, there are few managers compared to mayors. Likes Newton's language about chief administrative officer on page 3 of document.

Gage: If mayor has hiring power it's dangerous that politically "comfy" people get hired.

Churchill: Council can confirm or reject hires.

Gage: There is potential friction with a new mayor and previously hired candidates. There are political favoritism concerns. Does a council have power to vet candidates?

Rueschemeyer: Should we take straw vote?

Rhodes: Need to move forward due to upcoming sessions. This discussion has shed a lot of light on manager side.

Churchill: Suggests postponing straw vote. Churchill and Weiss want to contemplate further.

Stein: Believes it is a good topic for listening sessions.

Hanneke: Can Charter be written if unknown whether Amherst will have a manager or mayor? Difficult to continue without deciding. Collins Center unnecessary for this vote.

Rueschemeyer: Devote first ½ hour of next meeting to deliberation on this and vote?

Hanneke: Move into boards and committees topics with Collins Center?

Rueschemeyer: Request Collins Center prepares to guide Commission through conclusion of mayor-manager deliberation.

Churchill: Options are manager, mayor, or Newton-esque hybrid with manager “subservient” to mayor.

Grabbe: Is there a difference between mayor with subservient administrator vs mayor with finance director?

Rueschemeyer: Should the language regarding administrator expertise be contained in Charter?

PUBLIC COMMENT

Alice Swift: Firmly favors town manager. More politicized position brings more voters, but that’s not a good enough reason to have mayor. Doesn’t want politicized position, partly due to influx of money. Mayor with manager is costlier. In that system Mayor has a public relations function while manager gets things done.

Ted Parker: Senses anxiety around shifting to mayor from manager. But Amherst is in its current state partly because we’ve had manager. There is a backlog of \$100 million in capital projects that no one has resolved. That indicates lack of political will. A “manager has constituency of 5” and it is important to consider this. We could have an “Office of Management and Budget,” with a staggered term, appointed or approved by council. Adding \$150,000 of management for an \$80 million operation is a “prudent expenditure.” A vision ratified by voters is ideal, and can’t get that with manager. He has worked in both Northampton and Amherst, and Northampton elected officials engage better with citizen concerns than elected officials do in Amherst. Understands concerns of big money but finance reports for Northampton are accessible to public and don’t indicate it is a problem. Believes any Commission member is capable of being a responsible executive.

Churchill: Will continue discussion next time.

PROPOSAL FOR NEXT MEETING

Weiss: Should we bring new proposals for potential consensus charter up at next meeting instead of just murmuring about them?

Churchill: Is that starting from scratch?

Weiss: Not from scratch.

Weiss, Rueschemeyer, and Rhodes agree: if someone has a compromise to propose, bring the proposal to the next meeting.

Grabbe: Is there something that would get 6 or 7 votes?

Churchill: “Leery” of re-opening council vs. town meeting vote.

Rueschemeyer: Is there one final proposal someone can create?

Hanneke: Is that premature? Hopeful that additions to mayor-council form would bring people more to mayor-council side. Feels proposing different structure is too soon.

Rueschemeyer and Weiss want final proposal.

Churchill: Reiterates wariness of reopening broad structural discussion.

Fricke: Reluctant to say no. Agrees to 15-minute limit on discussion of compromise proposal next meeting.

Stein agrees.

Rueschemeyer: If people like proposal we can continue discussion.

Churchill: Confirms 15-minute discussion at start of next meeting.

The meeting adjourned at 9:36PM.

Respectfully Submitted,
Jacob Livingston

Documents:

Collins Center Memo: Mayor vs. Manager Considerations
Executive Article Language Examples